

SENATE BILL 2432

By Haun

AN ACT to amend Tennessee Code Annotated, Section 49-2-203, relative to the construction of schools and construction management services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-2-203(a)(4)(C)(ii), is amended by deleting such subsection in its entirety and by substituting instead the following:

(ii) Construction management services which are provided for a fee and which involve supervision of the planning, design, bid and construction phases of the project, are deemed to be professional services and may be performed by a qualified person on the basis of recognized competence and integrity.

Construction management services are to be procured through a request for proposals process. The request for proposals process will invite prospective proposers to participate and will indicate the service requirements and the factors used for evaluating the proposals. Such factors shall include cost, construction manager's qualifications and any additional factor or factors deemed relevant by the procuring entity for procurement of the service; cost is not to be the sole criteria for evaluation. The contract for such services will be awarded to the best-

evaluated and responsive proposer. A construction manager is prohibited from undertaking actual construction work on a project over which such construction manager supervises the planning, design, bid and construction phases of the project.

SECTION 2. Tennessee Code Annotated, Section 49-2-203(a)(4)(C), is further amended by adding the following as a new subsection (iv):

(iv) Construction work which is under the supervision of a construction manager shall be procured through competitive bids as provided in this subsection.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.